

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

QUANDELL HICKMAN,

Plaintiff,

-v.-

THE CITY OF NEW YORK, *et al.*,

Defendants.

19 Civ. 5292 (KPF)

ORDER GRANTING IFP  
APPLICATION IN PRISONER CASE

KATHERINE POLK FAILLA, District Judge:

Plaintiff submitted to the Court an application for leave to proceed *in forma pauperis* (IFP), that is, without prepayment of fees. The application is granted *nunc pro tunc* to July 10, 2019. A prisoner bringing a civil action is required to pay the full \$350 filing fee even when proceeding IFP, that is, without prepayment of fees. *See* 28 U.S.C. § 1915(b)(1). The Court must collect, when funds exist in a prisoner's account, an initial partial filing fee<sup>1</sup> plus monthly payments. The agency having custody of the prisoner shall forward payments from the prisoner's account to the Clerk of Court each time the amount in the account exceeds \$10, until the filing fees are paid. 28 U.S.C. § 1915(b)(2); *see also* In the Matter of the Prison Litigation Reform Act, Second Amended Standing Order, M10-468 (S.D.N.Y. May 26, 2010) (requiring agencies to calculate and remit the statutory fees for litigants in their custody).

---

<sup>1</sup> The initial partial filing fee is 20 percent of the greater of – (A) the average monthly deposits to the prisoner's account; or (B) the average monthly balance in the prisoner's account for the 6-month period immediately preceding the filing of the complaint. 28 U.S.C § 1915(b)(1)(A).

Plaintiff has executed a prisoner authorization that authorizes the agency having custody of Plaintiff, or any agency to which Plaintiff is transferred, to send a certified copy of Plaintiff's prison trust fund account for the past six months to this Court. (Dkt. #3). The prisoner authorization further authorizes the agency to calculate the amounts specified by 28 U.S.C. § 1915, to deduct those amounts from Plaintiff's prison trust fund account (or institutional equivalent), and to disburse those amounts to this Court.

### **CONCLUSION**

The Clerk of Court is directed to send a copy of this order and the prisoner authorization to the agency having custody of Plaintiff. That agency is directed to forward copies of Plaintiff's prison trust fund account for the past six months and to disburse the payments required under 28 U.S.C. § 1915 to the United States District Court for the Southern District of New York and to include the above docket number on the disbursement before sending it to the Court. If Plaintiff is transferred to another facility, the current facility shall provide a copy of this order to the facility to which Plaintiff is transferred.

Finally, it is Plaintiff's obligation to promptly submit a written notification to the Court if Plaintiff's address changes, and the Court may dismiss the action if Plaintiff fails to do so.

SO ORDERED.

Dated: July 17, 2020  
New York, New York



---

KATHERINE POLK FAILLA  
United States District Judge

*A copy of this Order was mailed by Chambers to:*

Quandell Hickman  
3492000756  
G.R.V.C.  
09-09 Hazen Street E  
Elmhurst, NY 11370



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Randell Hickman  
(full name of the plaintiff/petitioner)

-against-

The City of New York  
Manhattan Detention Complex  
(full name(s) of the defendant(s)/respondent(s))

RECEIVED  
SDNY PRO SE OFFICE  
2019 JUN -4 PM 4:03  
**19 CV 5292**  
(Provide docket number, if available; if filing this with your complaint, you will not yet have a docket number.)

**PRISONER AUTHORIZATION**

By signing below, I acknowledge that:

- (1) because I filed this action as a prisoner,<sup>1</sup> I am required by statute (28 U.S.C. § 1915) to pay the full filing fees for this case, even if I am granted the right to proceed *in forma pauperis* (IFP), that is, without prepayment of fees;
- (2) the full \$350 filing fee will be deducted in installments from my prison account, even if my case is dismissed or I voluntarily withdraw it.

I authorize the agency holding me in custody to:

- (1) send a certified copy of my prison trust fund account statement for the past six months (from my current institution or any institution in which I was incarcerated during the past six months);
- (2) calculate the amounts specified by 28 U.S.C. § 1915(b), deduct those amounts from my prison trust fund, and disburse those amounts to the Court.

This authorization applies to any agency into whose custody I may be transferred and to any other district court to which my case may be transferred.

5-24-19

Date

[Signature]  
Signature

Hickman Randell L  
Name (Last, First, MI)

3491902604  
Prison Identification #

125 White Street  
Address

New York  
City

N.Y.  
State

10013  
Zip Code

<sup>1</sup> A "prisoner" is "any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms or conditions of parole, probation, pretrial release, or diversionary program." 28 U.S.C. § 1915(h).